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1997 -10- 27

AWAPATENT, Malmö

Date/Datum

24. 10. 97

Anmelder/Ref./Réf.	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.
2950767	94915725.9-2303/0698162
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire	
VALINGE ALUMINIUM AB	

DAGEOK	
24/11	24/12

COMMUNICATION PURSUANT TO ARTICLE 115(2) EPC

Please find enclosed observations by a third party concerning the patentability of the invention of the above-mentioned patent application. That person is not a party to the proceedings before the EPO (Art. 115(1) EPC).

Under Article 115(2) EPC you may comment on the observations.

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D-80298

MÜNCHEN
DUITSLAND

U/V Ref.:

O/N Ref.: A.13586

GV/sr

7 October 1997

Dear Sirs,

2303

re: European patent application no 94915725 (Publ.No 0.698.162).
in the name of : VALINGE ALUMINIUM AB.

Under article 115 EPC, we present following observations, regarding the above mentioned application.

In the reply of the applicant dated 26 June 1997, (in response to the first examination report of 7 May 1997) the applicant filed a primary and a secondary request of new claims.

Claim 1 of the primary request, the scope of which is larger than the scope of the originally filed claim 1, is based on the assertion by the applicant that the feature that two panels engaged into each other can mutually be displaced in their longitudinal direction is new (citation: "... the mutual displacement of the panels in the direction of the joint edges is an essential feature of the invention...").

We would like to draw the Examiner's attention to the fact that the feature that the panels can be mutually displaced in longitudinal direction, is common technology for as long as flooring panels (provided with tongue and groove) exist.

./.

1937

Indeed, as shown in enclosure 1, when engaging a flooring panel A with already installed flooring panels B and C, the flooring panel A is first coupled to the flooring panels B (tongue and groove are coupled), and subsequently the flooring panel A, in coupled condition, is moved to flooring panel C, as shown by arrow F, e.g. by exerting a force on the end E by means of a hammer.

It is clear that in practice it is never possible to couple flooring panel A to flooring panel B directly from the beginning closely to the flooring panel C.

It is clear that this technique already exists as long as flooring panels exist which are provided with tongue and groove.

*
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*

Also the document WO 93/13280, which was cited in the search report of the abovesaid European patent application, clearly discloses panels which in coupled condition can be mutually displaced in longitudinal direction. Indeed, as shown in the drawings and as described in the text of WO 93/13280, the legs 2-3 fit into "SLOTS" 14-15, which means that there is no obstruction which can hinder a mutual displacement of two coupled panels in the longitudinal direction. Indeed, when for example exerting a force in longitudinal direction on the panel 13, this panel 13 will be displaced in that direction, whereby it is sliding with the slot 15 over the leg 3.

That a mutual displacement between the two panels of JUNCKERS (WO 93/13280) MUST be possible is also clear when taking in account their commercialised product. Hereto we enclose photographs of this product (photographs 1 to 5 of enclosure 2), as well as drawings (enclosures 3 and 4) which are prepared from enlargements of photographs 1 and 2.

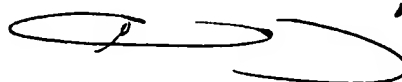
From this commercialised product, it is clear that the flooring panels of JUNCKERS are provided with tongue and groove at the longitudinal edges as well as at the short edges. As tongues and grooves are provided at both, longitudinal and short edges, it is clear that the panels of JUNCKERS can only be coupled to each other by first engaging the longitudinal edges of two adjacent panels and subsequently displacing the last coupled panel in longitudinal direction, in order to obtain that also the coupling at the shorter edges becomes realised. It is clear that the coupling of the panels at the short edges should not be possible when the panels cannot be moved in longitudinal direction.

It should also be noted that, after having provided the flooring board of JUNCKERS with a plate-shaped body 1 as disclosed in WO 93/13280, (see also photograph 1), a structure is obtained which shows all features of claim 1 of the primary request.

For the reasons explained above, we are of the opinion that at least claim 1 of the primary request does not fulfill the requirements of article 54 EPC.

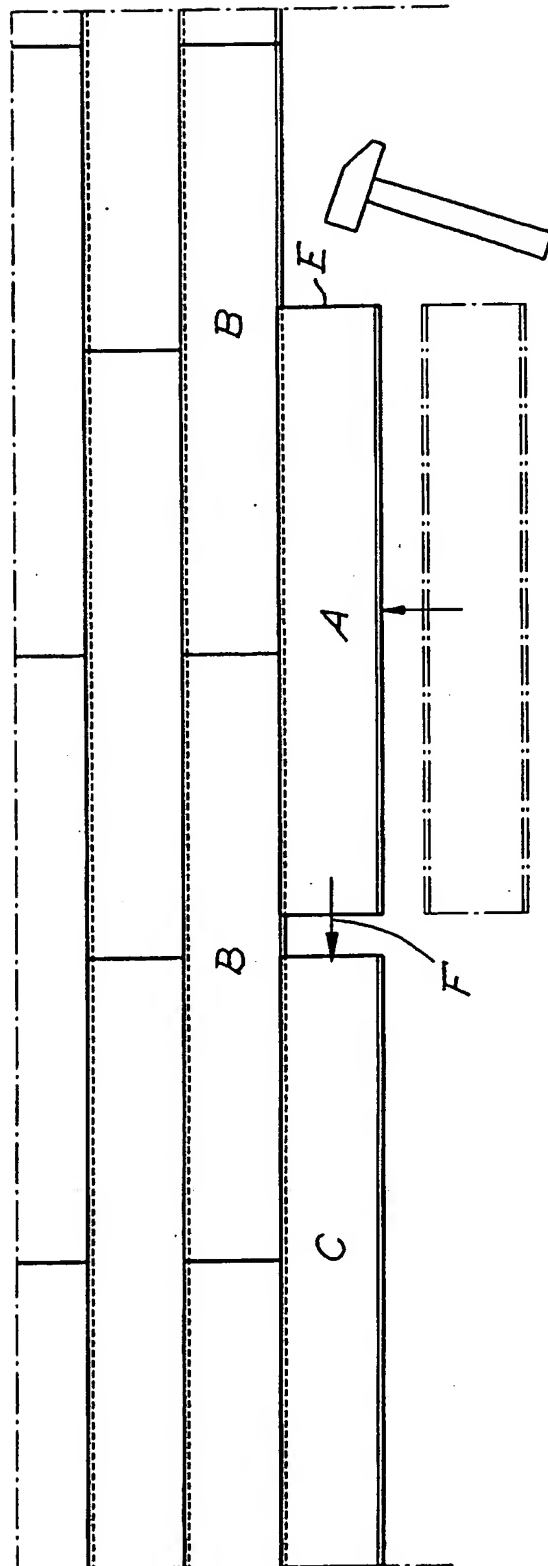
It is respectfully requested that the Examiner handling the European patent application no 94915725 should take in consideration the above comments.

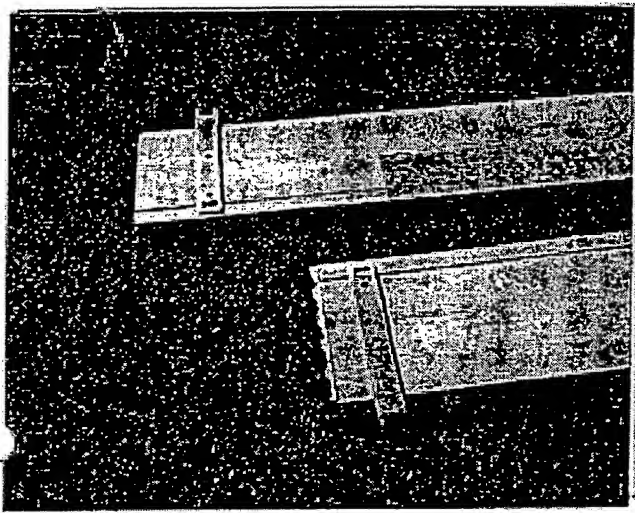
Yours faithfully.



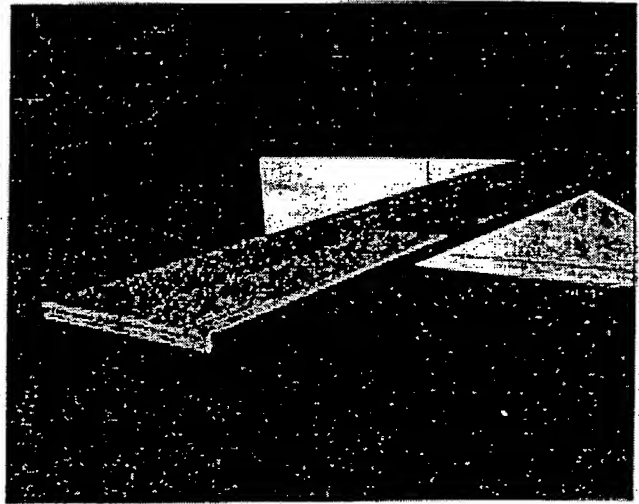
i.o. E. Donné M.Sc.
European Patent Attorney

Encl.

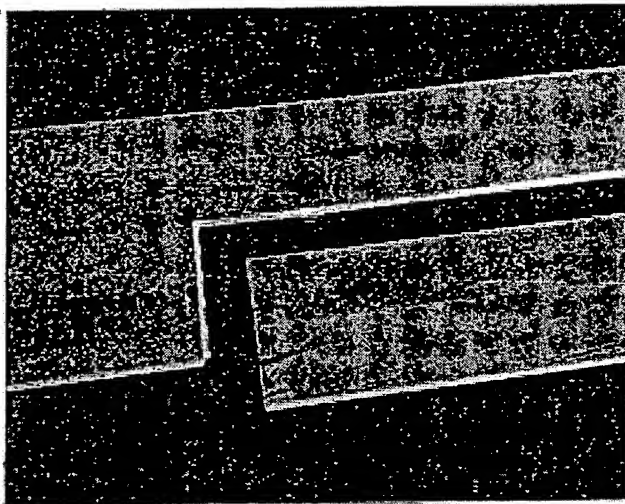




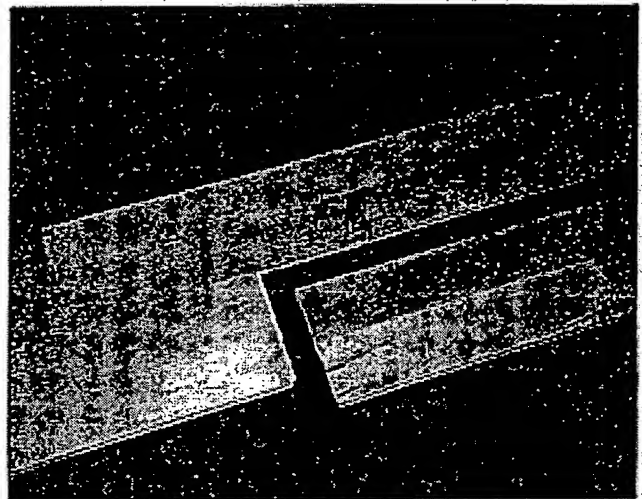
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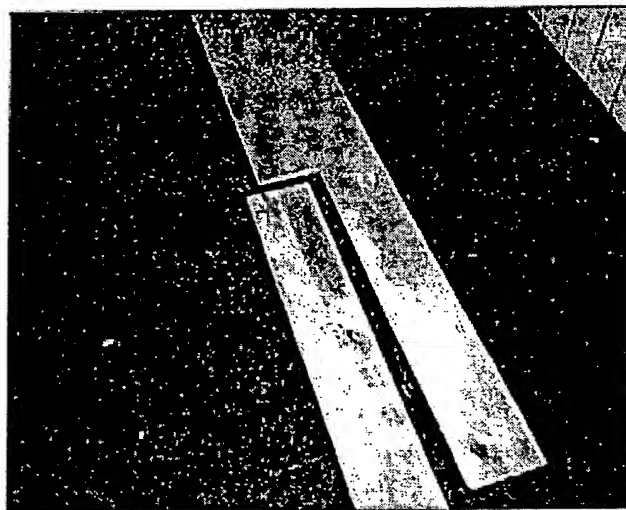
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